

AMENDED IN ASSEMBLY MARCH 23, 1999

AMENDED IN ASSEMBLY MARCH 11, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 312**

**Introduced by Assembly ~~Member Honda~~ Members *Honda*  
*and Villaraigosa*  
(Coauthors: Assembly Members *Alquist, Soto, and*  
*Washington*)**

February 8, 1999

---

An act to amend Sections 48664 and 48667 of, and to add Section 2550.25 to, the Education Code, and to amend Section 39 of Chapter 825 of the Statutes of 1997, relating to community day schools, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 312, as amended, Honda. Community day schools.

(1) Existing law establishes a formula for the funding of community day schools operated by county offices of education.

This bill would revise the formula.

(2) Existing law provides that a charter school that serves at-risk pupils and operates under a charter approved before June 1, 1997, in the County of Los Angeles may continue to operate until June 30, 1999.

This bill would extend that date to June 30, 2005.

(3) Existing law requires that the attendance of pupils in a charter school described in (2), above, be funded at the same rates for the same categories of pupils as community schools in the same county. Existing law describes the method for the determination and reporting of the average daily attendance of such a charter school. Existing law also requires instruction in community day schools to be provided by or under the supervision of a certificated employee of the school district or a consortium of school districts and imposes certain limits on the amount of average daily attendance that may be used to claim additional funds for operation of the school.

This bill would authorize, notwithstanding these provisions of law, that a charter school described in (2) may be funded for not more than 2,000 units of average daily attendance in any fiscal year, to the extent funding is appropriated therefor, as if it were a community day school operated by a county.

(4) Existing law establishes funding limitations for the operation of community day schools, but authorizes any school district with fewer than 2,501 units of average daily attendance to request a waiver for any fiscal year of those funding limitations.

This bill would also authorize any county office of education with jurisdiction over a county with an average daily attendance of 14,999 or fewer units of average daily attendance to request a waiver.

(5) Existing law provides that these provisions shall not be construed to authorize a county board of education to grant, or to prohibit a county board of education from granting, a charter that has not been denied by a school district.

This bill would delete this provision.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2550.25 is added to the  
2 Education Code, immediately following Section 2550.2, to  
3 read:



1 2550.25. The Superintendent of Public Instruction  
2 shall use the revenue limit per unit of average daily  
3 attendance of the statewide average juvenile court school  
4 revenue limit per unit of average daily attendance for a  
5 community day school operated by a county office of  
6 education.

7 SEC. 2. Section 48664 of the Education Code is  
8 amended to read:

9 48664. (a) In addition to funds from all other sources,  
10 the Superintendent of Public Instruction shall apportion  
11 to each school district that operates a community day  
12 school four thousand dollars (\$4,000) per year, and to  
13 each county office of education that operates a  
14 community day school three thousand dollars (\$3,000)  
15 per year, for each unit of average daily attendance  
16 reported at the annual apportionment for pupil  
17 attendance at community day schools.

18 (1) Average daily attendance used for the  
19 computation of additional apportionments pursuant to  
20 this subdivision shall not exceed 0.375 percent of the  
21 district's prior year P2 average daily attendance in an  
22 elementary school district, 0.5 percent of the district's  
23 prior year P2 average daily attendance in a unified school  
24 district, or 0.625 percent of the district's prior year P2  
25 average daily attendance in a high school district.

26 (2) The units of average daily attendance used for the  
27 computation of additional apportionments to a county  
28 office of education pursuant to this subdivision shall not  
29 exceed the difference between the total of the prior  
30 year's P2 units of average daily attendance of the  
31 community day schools operated by the school districts  
32 within the jurisdiction of that county office of education  
33 and the total amount of average daily attendance for  
34 additional apportionments permitted for the current  
35 year pursuant to paragraph (1) for all school districts  
36 within the jurisdiction of that county office of education,  
37 whether or not the districts operate community day  
38 schools.

39 (3) The Superintendent of Public Instruction may  
40 reallocate to any school district any unexpended balance

1 of the appropriations made for the purposes of this  
2 subdivision for actual pupil attendance in excess of the  
3 percentage specified in this subdivision for the school  
4 district in an amount not to exceed one-half of that  
5 percentage.

6 (4) The average daily attendance in community day  
7 schools operated by school districts or county offices of  
8 education that was generated by pupils expelled pursuant  
9 to subdivision (d) of Section 48915 shall not be included  
10 in the calculation of the limitations on additional  
11 apportionments provided for in paragraphs (1) and (2).

12 (b) The average daily attendance of a community day  
13 school shall be determined by dividing the total number  
14 of days of attendance in all full school months, by a divisor  
15 of 70 in the first period of each fiscal year, by a divisor of  
16 135 in the second period of each fiscal year, and by a  
17 divisor of 180 at the annual time of each fiscal year.

18 (c) The Superintendent of Public Instruction shall  
19 apportion to each school district that operates a  
20 community day school an amount equal to four dollars  
21 (\$4), multiplied by the total of the number of hours each  
22 schoolday, up to a maximum of two hours daily, that each  
23 community day school pupil remains at the community  
24 day school under the supervision of an employee of the  
25 school district, or a consortium of school districts pursuant  
26 to Section 48916.1, reporting the attendance of the pupils  
27 for apportionment funding following completion of the  
28 full six-hour instructional day.

29 (d) It is the intent of the Legislature that school  
30 districts enter into consortia, as feasible, for the purpose  
31 of providing community day school programs. Any school  
32 district with fewer than 2,501 units of average daily  
33 attendance or any county office of education with  
34 jurisdiction over a county classified as a class 6, class 7, or  
35 class 8 county pursuant to Section 1205 may request a  
36 waiver for any fiscal year of the funding limitations set  
37 forth in this section. The Superintendent of Public  
38 Instruction shall approve a waiver if he or she deems it  
39 necessary in order to permit the operation of a  
40 community day school of reasonably comparable quality

1 to that offered in a school district with 2,501 or more units  
2 of average daily attendance. In no event shall the amount  
3 allocated pursuant to a waiver exceed the amount  
4 provided for one teacher pursuant to Section 42284, for  
5 pupils enrolled in kindergarten and grades 1 to 6,  
6 inclusive, or the amount provided for one teacher  
7 pursuant to Section 42284, for pupils enrolled in grades 7  
8 to 12, inclusive.

9 (e) The State Department of Education shall evaluate  
10 and report to the appropriate legislative policy  
11 committees and budget committees on or before October  
12 1, 1998, and for two years thereafter the following  
13 programmatic and fiscal issues:

14 (1) The number of expulsions statewide.

15 (2) The number of school districts operating  
16 community day schools.

17 (3) Status of the countywide plans as defined in  
18 Section 48926.

19 (4) An evaluation of the community day school  
20 average daily attendance funding percentage cap.

21 (5) Number of small school districts requesting and  
22 the number receiving a waiver under this section.

23 (6) The effect of hourly accounting under Section  
24 48663 for purposes of receiving the additional funding  
25 under Section 48664.

26 (7) The number of pupils and average daily  
27 attendance served in community day programs, further  
28 identified as the number expelled pursuant to subdivision  
29 (b) of Section 48915, subdivision (d) of Section 48915,  
30 other expulsion criteria, or referred through a formal  
31 district process.

32 (8) Pupil outcome data and other data as required  
33 under Section 48916.1.

34 (9) Other programmatic or fiscal matters as  
35 determined by the State Department of Education.

36 (f) The additional funds provided in subdivisions (a)  
37 (c), and (d) shall only be allocated to the extent that  
38 funds are appropriated for this purpose in the annual  
39 Budget Act or other legislation, or both, except for pupils  
40 expelled pursuant to subdivision (d) of Section 48915. For

1 pupils expelled pursuant to subdivision (d) of Section  
2 48915, the funds apportioned under subdivision (a) are  
3 continuously appropriated from the General Fund to  
4 Section A of the State School Fund.

5 (g) A one-time adjustment shall be made to the  
6 amount specified in subdivision (a), for the 1998–99 fiscal  
7 year and subsequent fiscal years, by increasing that  
8 amount by the statewide average quotient resulting from  
9 dividing the average daily attendance specified in  
10 subparagraph (B) of paragraph (3) of subdivision (a) of  
11 Section 42238.8 by the amount specified in subparagraph  
12 (C) of paragraph (3) of subdivision (a) of Section 42238.8.

13 SEC. 3. Section 48667 of the Education Code is  
14 amended to read:

15 48667. For the purposes of this article, each county  
16 office of education shall be deemed to be a school district.

17 SEC. 4. Section 39 of Chapter 825 of the Statutes of  
18 1997, is amended to read:

19 Sec. 1. (a) A charter school operating under a charter  
20 approved before June 1, 1997, by the county board of  
21 education of a county of the first class to serve at-risk  
22 pupils, may operate until June 30, 2005.

23 (b) Notwithstanding Section 47612 of the Education  
24 Code, and except ~~a~~ *as* provided in subdivision (d), the  
25 attendance of pupils in a charter school operating  
26 pursuant to subdivision (a) shall be funded at the same  
27 rates for the same categories of ~~students~~ *pupils* as  
28 community schools in the same county that are operated  
29 pursuant to Section 1980 of the Education Code, provided  
30 that the charter school is operated for at least the same  
31 amount of time each schoolday as the minimum required  
32 of community schools operated pursuant to Section 1980  
33 of the Education Code.

34 (c) Except as provided in subdivision (d), a charter  
35 school operating pursuant to subdivision (a) shall have its  
36 average daily attendance determined and reported as  
37 provided in subdivision (b) of Section 41601 of the  
38 Education Code, and that school's apportionments of  
39 state funding shall be calculated in the same manner as

1 apportionments for community schools operated  
2 pursuant to Section 1980 of the Education Code.

3 (d) A charter school operated pursuant to subdivision  
4 (a) may, if its charter so provides, operate one or more  
5 community day schools in compliance with all provisions  
6 of Article 3 (commencing with Section 48660) of Chapter  
7 4 of Part 27 of the Education Code, except for compliance  
8 with the employment requirements in subdivision (a) of  
9 Section 48663 and subdivision (c) of Section 48664, and  
10 the funded average daily attendance limitations of  
11 paragraphs (1) and (2) of subdivision (a) of Section  
12 48664, and be funded for not more than 2,000 units of  
13 average daily attendance in any fiscal year, to the extent  
14 funding is appropriated therefor, pursuant to subdivision  
15 (a) of Section 48664 as if it were a community day school  
16 operated by a county.

17 SEC. 5. This act is an urgency statute necessary for the  
18 immediate preservation of the public peace, health, or  
19 safety within the meaning of Article IV of the  
20 Constitution and shall go into immediate effect. The facts  
21 constituting the necessity are:

22 In order to revise the formula for funding community  
23 day schools operated by county offices of education, to  
24 extend the authority of charter schools operating under  
25 a charter approved before June 1, 1997, by the county  
26 board of education of a county of the first class to serve  
27 at-risk pupils before the date for which the authority  
28 would otherwise expire, and to provide for a funding  
29 formula for charter schools operating community day  
30 schools at the earliest possible time, it is necessary that this  
31 act take effect immediately.